

RECUSANT HISTORY

Joint Editors

A. F. ALLISON *of the Department of Printed Books
at the British Museum, and Honorary
Librarian to the Catholic Record Society.*

D. M. ROGERS *of the Bodleian Library, Oxford.*

Contents of Vol. 6, No. 5

	<i>Page</i>
Thomas Byrnand Trappes-Lomax, 1895-1962. An appreciation by the Editors . . .	202
English Catholics and the Papal Deposing Power, 1570-1640. By T. Clancy, S.J. <i>Part II</i> . . .	205
A Propos of Henry Constable. By John Bossy . . .	228
Yorkshire Notes. By Hugh Aveling, O.S.B. . . .	238

THOMAS BYRNAND TRAPPES-LOMAX

1895-1962

AN APPRECIATION BY THE EDITORS

*Qui voluptatibus dediti quasi in diem vivunt, vivendi causas cottidie finiunt. Qui vero posteros cogitant, et memoriam sui operibus extendunt, his nulla mors non repentina est, ut quae semper inchoatum aliquid abruptat.**

(Pliny the Younger, writing about the premature death of an historian who had left uncompleted a vast work on the victims of the persecution under Nero. *Epistolae*, V, 5.)

There is a curiously close parallel between the occasion of Pliny's lament over his friend, cut off in the midst of his historical studies, and the sudden and untimely death of Brigadier T. B. Trappes-Lomax. Both men consecrated their energies to the task of making known the history of the victims of a persecuting government, and both were denied a span of life long enough for them to complete their labours.

Belonging himself to an old Catholic family, and educated at Stonyhurst, a school with traditions stretching back unbroken to 1592, Tom Trappes-Lomax early came to realize that the survival of Catholicism on English soil had been closely bound up, especially during the critical earlier period, with the history of particular Catholic families able and willing to shelter a priest. Except in those two or three predominantly Catholic areas where a priest could live and work unremarked and

* Men whose existence is given over solely to the pleasures of each day, complete their purpose in life with each day that passes. But men who take thought for those that come after them, and perpetuate the memory of themselves by their labours—for such men death, whenever it comes, must come too soon, since it always snaps the thread of some work as yet uncompleted.

THOMAS BYRNAND TRAPPES-LOMAX

unmolested among the cottagers of the countryside, it was only the nobility and the country gentry with houses which could be more or less secluded from the attentions of spies and informers, who could offer a comparatively secure base from which a hunted priest could exercise his apostolic mission. That is why Tom Trappes-Lomax devoted unremitting labour to tracing the history of the houses which had formed the focal points of the Catholic resistance movement, and of their successive owners and tenants. Others have made such investigations for a particular family or neighbourhood, but Tom Trappes-Lomax did more : he set himself to plot the network of recusant families over the entire length and breadth of England and Wales.

The articles he published represent only a fraction of the material he gathered. His knowledge in the field which he made his own grew to be quite unequalled. A personal recollection well illustrates the astonishing range of information which he had always at his fingertips. We once asked him which houses might be likely to have preserved collections of early Catholic printed books. He sat down and wrote out of his head a list, many foolscap pages in length, setting down county by county the chief houses formerly used as Mass-centres, the families which had once possessed them, and in most instances the names of the present owners. By reason of this unique mastery of his material not only was he invited to make contributions to the Victoria County History series and to the proceedings of archaeological societies in widely-separated counties, but his help was invoked by countless individual enquirers, with all of whom he shared his knowledge without reserve.

He had a fuller picture of his own special field than any man of his time, but in recent years he had begun the process of relating his own researches to a wider historical context, and had become deeply engaged in a more general enquiry into the decline in numbers of the English Catholics after the Reformation and the ultimate reasons which underlay it. Here, however, as he himself was the first to admit, he sometimes found himself out of his depth, for he lacked both the training and the opportunities of a professional historian. He was at his best in the patient accumulation of evidence bearing on a specific problem. Over such problems he was indefatigable and pressed into service all the

THOMAS BYRNAND TRAPPES-LOMAX

organizational talents which had made him a distinguished Staff Officer; when an operation was on, postcards would be dispatched to archivists, librarians, parish priests, bishops' secretaries, the Registrar General—in fact, to anyone who might be able to contribute information.

His great gift for friendship gave him a remarkable number of friends on whom he could call for help, and he always used his opportunities, not only for his own private researches, but also to help others in their enquiries and above all to further the good of the Catholic Record Society, which was so near his heart during the last years of his life. As Chairman for fifteen years until his death, he exercised a vigorous leadership which helped to rescue the Society from its post-war difficulties and to bring it to its present flourishing state. In the chair he combined kindness with firmness and decisiveness with patience; he had deep personal convictions wherever the interests of the Society were involved, but this never prevented him from exercising scrupulous fairness towards opinions different from his own, or from carrying out his duties as Chairman with impartiality and tact.

To the present editors who, twelve years ago, with some trepidation launched *Recusant History* into the world, Tom Trappes-Lomax was from the beginning a generous, staunch and enthusiastic friend. He was among the first to encourage the proposed venture and to promise his support, and his support was both moral and practical. Each of our first two numbers contained a full-length article by him, the first *The Berkeleys of Spetchley and their contribution to the survival of the Faith in Worcestershire*, and the second *The Englefields and their contribution to the survival of the Faith in Berkshire, Wiltshire, Hampshire and Leicestershire*. Both are positive and methodical contributions to our knowledge, and fine examples of their author's painstaking industry in his chosen field. The last number of *Recusant History* to appear before his death likewise carried a contribution by him. It was typical of his devotion to historical truth that in this final short article he was concerned to forestall possible false claims about the birthplace of a martyr, and typical, too, of his endearing modesty that when differences arose over the shape in which his researches should be presented, he deferred to the views of editors a generation younger than himself.

ENGLISH CATHOLICS AND THE PAPAL DEPOSING POWER, 1570-1640

By THOMAS CLANCY, S.J.

PART II: THE STUARTS

Early Dissident Voices

The accession of James I to the throne of England in 1603 brought about a change in the political thought of the English Catholics. As was pointed out at the end of the previous part of this study, the battle for a Catholic prince was over and the battle for toleration under a Protestant prince was about to begin. In this new struggle the doctrine of the deposing power was, as far as practical politics went, merely an embarrassment. The doctrine was, however, implied by the current Catholic teaching concerning the nature and government of the church, and no champion of the Holy See could then imagine how it could be denied without seriously impairing the Catholic case for the Roman primacy.¹ But since it was plain to all that the last chance for invoking the deposing power in England had passed and that it was now useless as a political weapon,² the temptation was naturally very strong to renounce it altogether as a doctrine.

Even during the reign of Elizabeth this temptation had affected some English Catholics. John Hart, a secular priest who afterwards became a Jesuit, appears, according to the account of the conference held in the Tower between him and John Rainolds, which his adversary published in 1584,³ to have denied the temporal power of the Pope. A certain John Bishop, who on his titlepage describes himself as a recusant papist, wrote a book setting out to prove that the Pope could not depose the Queen.

ENGLISH CATHOLICS AND THE DEPOSING POWER

Bishop's book is the little-noticed *A Courteous Conference with the English Catholikes Romane*.⁴ From the anonymous editor's preface we learn that this work was not intended for publication. Internal evidence seems to indicate that it was written shortly after 1574 when the first seminary priests arrived in England. The author, who appears to have been a lawyer, reaches conclusions about the deposing power very similar to those expressed by the supporters of Henry VIII in his quarrel with the Pope. Another Elizabethan Catholic who, without setting out to impune the papal deposing power as such, hedged it about with so many restrictions that it was rendered meaningless, was the priest Thomas Wright. In a memorandum preserved among Burghley's papers, Wright showed himself entirely hostile to the Spanish claim to be the instrument of the papal deposing power, and to any demand that English Catholics should support a Spanish invasion.⁵ The number of these dissident voices was swelled during the last few years of Elizabeth's reign by a group of writers in the Archpriest controversy, the so-called Appellants, who blamed the sad state of English Catholics entirely on what they considered to be mistaken papal policy. Despite the violence of their language about the Pope's policy, however, they did not unequivocally claim that he had no temporal power; they simply stated that it was wrong for him to use the power in England and said flatly that in case he did so they would resist him with all their might.

It is interesting to note that a Jesuit opponent of theirs, Richard Walpole, made a list of thirteen propositions on the deposing power drawn from the early Appellant books; these propositions he described not as heretical but as "temerarious."⁶ a technical term used to describe propositions which are both against the common opinion of theologians and supported by insufficient reasons. In fact it would be true to say that, up to the end of Elizabeth's reign, there had not been any very consistently reasoned theological case made out by English Catholics themselves against the deposing power; the Appellants wrote controversial tracts rather than carefully considered theological treatises, but the trend of their thought during this period is to be found in works which they translated from the French,⁷ in which the deposing power is said to be a theory now upheld by none but the Jesuits.

ENGLISH CATHOLICS AND THE DEPOSING POWER

Hopes and Pleas for Toleration

Before considering what was in fact the attitude maintained by the Jesuits, we should note that already before the old Queen's death there had grown up a body of opinion among English Catholics which, while it implied the abandonment of the papal deposing power, concentrated openly on protesting the loyalty of Catholics in the temporal sphere and pleaded that such loyalty should win them toleration from the government. Such an opinion was first made generally public in the *Protestation of Allegiance* submitted by thirteen missionary priests on the 31 January 1603.⁸ This denounced the invasions and plots and bound its signatories to disobey any censure of excommunication passed on the Queen by the Roman Pontiff. According to the secular priest Richard Broughton, this was followed by a series of further pleas from Catholics for toleration,⁹ but if so, most of these seem not to have been preserved.

The unopposed accession of James I presented the English Catholics with a new situation which appeared to many of them to hold out better hopes for their future. In the first place, James did not lie under any sentence of excommunication or deposition, and in the second place the consideration that his wife had become a Catholic and that he himself was the son of Mary Queen of Scots, seemed to offer hopes that he would be prepared to honour the many promises of toleration which had come from his lips during the years when his accession to the throne of England appeared to depend in some degree on conciliating English Catholic opinion. It is not surprising, therefore, that for several years following James's accession Catholic pleas for toleration continued to be addressed to the government.

The earliest one we have from James's reign is that of March 1603. This came into the hands of a Protestant, Gabriel Powel, who put it into print with annotations and a reply of his own composing.¹⁰ This was followed by John Colleton's *Supplication to the Kings most excellent Majesty* and the *Petition Apologeticall*, both of 1604.¹¹ These petitions pointed out the political advantages of toleration, praised Catholic loyalty and warned of the dangers of the Puritan faction. The *Petition Apologeticall* boasted of Catholic devotion to the king's mother, the late Queen

ENGLISH CATHOLICS AND THE DEPOSING POWER

of Scots, and went furthest in its protestations of obedience, promising that Catholics would be good subjects despite any excommunication that passed from the Holy See.¹²

Two other Catholic works published during these early years of James's reign developed similar lines of argument, Broughton's *Just and Moderate Answer* (1606) and the enlarged second edition of Brekeley's *Protestants Apologie* (1608).¹³ Both adopted the tactics of attacking the Puritans and both made half-hearted attempts to edulcorate the deposing power. Broughton stated that only a tyrant of the enormity of Julian the Apostate ran any risk of being deposed. As for those theologians who had emphasised the deposing power, such as Gifford, Stapleton and Bellarmine, only a very small portion of the English clergy, Broughton claimed, had accepted their views.¹⁴ Brekeley, for his part, when interpreting the Pope's power in temporals,¹⁵ even went so far as to draw on the support of Bellarmine's adversary Paolo Sarpi, the protagonist of the Venetian Republic in its conflict with the Papacy.¹⁶

The English Jesuits and their Catholic opponents

The Jesuits and their sympathizers seem not only to have been left as the principal defenders of the traditional teaching on papal power, but also to have exerted themselves to prevent the expression of the contrary opinion by English Catholics. We have already mentioned the Jesuit Richard Walpole's delation of temerarious propositions against the deposing power drawn from Appellant books. According to Robert Persons,¹⁷ the pro-Jesuit Archpriest Blackwell refused to give his approval to the publication of Richard Smith's *Answer to Thomas Bels late Challenge*, 1605¹⁸ until Smith should alter a section in which he declared that the doctrine of the papal deposing power was not a doctrine to be held *de fide*. Smith refused to alter the passage and simply left out one offending sentence. The first section of Smith's book, which deals with the deposing power, gives the reader an impression of being somewhat ill-constructed. Side by side with a defence of the deposing power along traditional lines, we find him citing apparently with approval various writers who held the opposite view.¹⁹ Four years after the publication of this book, when Smith was in Rome, Persons drew up a memorandum

ENGLISH CATHOLICS AND THE DEPOSING POWER

pointing out numerous "scandalous" passages in this first section of the work.²⁰ The book was delated to the Inquisition and though it was not put on the Index, its author still retained, as late as 1633, a bitter memory of the incident.²¹

When we try to follow the opinion of the English Jesuits themselves on this vexed question, the first thing we notice is that until Persons's death in 1610 he was practically the only English Jesuit to put his views into print.²² Because it was the policy of Allen and Persons that only responsible people at the highest level should publish their views on this delicate matter, the absence of other evidence makes it difficult for us to be sure how far Persons's views are to be considered representative of those of English Jesuits as a whole.²³ After Allen's death in 1594, Persons was left as the spokesman of his party, but he evidently had no wish to air his views in public. In was the Oath of Allegiance in 1606 that forced the issue into the open again. According to the Act of 3 & 4 Jac. I cap. iv, those suspected of Romanism were required to swear as follows :

"And I do further swear that I do from my heart abhor, detest, and abjure as impious and heretical, this damnable doctrine and position, that princes which be excommunicated or deprived by the Pope may be deposed and murdered by their subjects or any other whatsoever

. . . ."²⁴

Perhaps such a requirement was an inevitable consequence of James I's ideas on kingship. His notion that sovereignty must be absolute and that the king was subject to no external check on his power was already current among the legists and politiques during the French Wars of Religion. The first reaction of the traditionalist school among theologians was not to take such ideas seriously. After all, they reasoned, the lawyers in France had the reputation of being touched with heterodoxy. Theories of absolute monarchy were not only contrary to the teachings of the Old Testament but squarely against the facts of history, as William Rainolds and "Doleman" had proved abundantly. When, therefore, James's *Basilicon Doron* became known in Rome, neither Persons nor Bellarmine attempted to attack it on the real central point of sovereignty. They were

ENGLISH CATHOLICS AND THE DEPOSING POWER

not disposed to be doctrinaire about the origins of political power. They could point to the fact that many apologists for Henri IV expressed absolutist views and yet Catholics had found a comfortable *modus vivendi* with him. Indeed, as Persons pointed out, Henri IV was an excellent example of how papal excommunication could bring a prince to his senses. Since the time of Luther, he wrote, Rome had used the deposing power only twice, namely in the cases of Elizabeth and Henri IV :

“And to both these actes were the Popes of those times drawn and incited either secretly or openly by some of the chief nobility of both Realmes, whom most it concerned. And albeit the former hath not had that success which was hoped, and perhaps suggested ; yet the final event of the second hath byn more prosperous, then at that time could be expected, no king lightly in Christendome having made more real demonstrations of love, union, and reverence to the Sea of Rome then his most Christian majesty, nor received greater interchange of graces and favours from that same Sea and this in matters of most importance for the settling and establishment of his Imperiall Crown and royall race.”²⁵

Catholics hoped for a similar happy accommodation between James I and his English Catholic subjects. Persons and Bellarmine, then, both welcomed the *Basilicon Doron* with tactfully expressed reservations and hoped for the best.²⁶ It was not that Persons did not see how difficult it would be to maintain traditional church polity under an absolute monarchy. We see this from the reaction to James's *Trew Law of Free Monarchies*, 1603, (STC 14410) which he expressed in a postscript to a letter written to Cardinal Borghese in July 1603 :

“I find now among my letters a book newly printed, first in Edinburgh and afterwards in London, with the coat of arms of the new King. This book treats of a free and absolute monarchy, maintaining that an absolute King is subject to no law but is absolute lord of all things (*dominus absolutus omnium*) and that at his coronation he must swear to uphold the religion which he finds established in the kingdom into which he is entering, etc. If his Holiness wishes we will have it translated, for it is a small book but pestilential.”²⁷

ENGLISH CATHOLICS AND THE DEPOSING POWER

Poichè è piccolo, ma pestilentielle . . . But Persons was still anxious not to make difficulties. When, therefore, he learned of the Oath legislation, he consulted various theologians in Rome on the question. Their answer was that the Oath could not be taken. "The reasons are many," he wrote to Garnet, "but all reduced to this that the Popes authoritie in chasteneing princes upon just case is *de fide* . . ." ²⁸

This opinion he qualified slightly in a long memorandum on the Oath written in the same year, 1606.²⁹

"This point of the Pope's authority to depose princes if it be not expressly defined, as many learned men do hold, yet by all mens opinion it is so neer unto faith that it cannot be denied without a notable error in faith, for upon the denyall of this position it will follow that the Generall Council of the Lateran did erre . . ."

Another cause, wrote Persons, for rejecting the Oath was loyalty to papal policy. The government had always maintained that the Counter-Reformation forces were the aggressors in England and by taking the oath Catholics would justify

"the unjust clamors of wordlings and such as love to sleepe in their own misery that the Seminary priests have raised this persecution and that Pius V his proceeding against the former Queen by excommunication was cause of our trouble as some in their printed book upon the same ground do seeme indiscreetly at least to utter."
[Margin: "Broughton ".]

Then follows a phrase by phrase analysis of the Oath itself. The most interesting section is that which treats of the Oath's second paragraph³⁰ and it deserves to be transcribed here, despite its length, because it appears to be the only place in which Persons teaches that papal deposition imposes no obligation in conscience on the people to carry it into effect:

"Now in this one point of the Popes authority to depose the king there is one thing chiefly to be observed that there is not mention made of actual deposition, that is to say of the execution of the Popes censure or sentence of deposition against him; for the Pope as Pope doth

ENGLISH CATHOLICS AND THE DEPOSING POWER

never execute his own sentence, but rather to that effect doth invocare auxilium brachii saecularis: wherefore there be two kindes of actes or exercises to be distinguished in the deposition of a Prince, the one temporal and the other spiritual; the one executed by the temporal sword the other by the spiritual; the one belongeth to the Pope himself the other unto the Magistrate, or Executioner Temporal; the act or exercise of the Pope herein, is to enquire examin and judge of the crime committed by the King according to sufficient proof give judgement admonish . . . [*gap in MS*] . . . and remain obstinante to censure and after give sentence of condemnation or deposition, which being declared or published there needeth no other authority in the subject nor any other whatsoever to depose him actually: but such execution is left unto zeale strength and discretion of him that is able to perform it without commandment of any to enforce the execution so that a subject may lawfully omitt or refuse to execute the Pope's censure against his Prince neither can he be forced thereunto by any censure . . . Hereupon alsoe it followeth that for a publick good and upon just allegations a Catholike man may safely promise and confirm it by oath alsoe whatsoever is contained in this second paragraph of the oath, so that otherwise there appeer no other injustice done unto a third person."

Further than this Persons was not prepared to go. A Roman Catholic could make all the necessary reserves about the use of the deposing power; he could not swear that to believe the Pope had such power was a damnable heresy. It was not within the competence of the State or the King, Persons thought, to judge what was heresy.³¹ The two societies, State and Church, were distinct. True, they had been more closely linked in the early periods of human history, but one of the surest signs of the progress of mankind recorded in the Scriptures was the gradual perception of the clear distinction between the two societies.³² Of course, there were countries even in the sixteenth century where Church and State were united, but until the advent of the Protestant revolt this was only true in pagan lands. The system, he said, was characteristic of the despotic governments of the East and as ruinous to religion as it was to civil liberty. The very idea of England following the Turkish arrangement of union of Church and State was appalling.³³

ENGLISH CATHOLICS AND THE DEPOSING POWER

To identify Church and State was to fly in the face of reason, which enabled men to discover two chief grounds for the distinction of civil and ecclesiastical society. First of all, they had different ends; one took care of the body, the other of the soul; one was occupied with the temporal, the other with the eternal. In the second place, though all power came from God, spiritual authority proceeded from Him otherwise than did temporal authority:

“Albeit *Civill power* and *Jurisdiction* be of Gods institution also, and duellie to be honoured in his Church and Christian commonwealth . . . yet doe they [i.e. the theologians] teach the same to be far otherwise derived, and received from God, then is *Spirituall Power*, that is to saie, not immediatelie by Gods owne deliverie thereof, but mediatlie rather, to witt by mediation of the law of nature, and nations. For by the law of nature, God hath ordeined that there should be politicall government, for that otherwise no multitude could be preserved, which the law of nations assuming, hath transferred that government unto one, or more, according to the particular formes thereof, as *Monarchie*, *Aristocracy*, or *Democracy* or *mixt*: wherein it is to be noted that the ordination of God by the law of nature, doth give politicall *Power* unto the multitude immediately, and by them mediately to one, or more, as hath been said. But *Spirituall Power* Christ gave immediately and by himself, to the Apostles, and their successours . . .”³⁴

Even if it were granted that in exceptional circumstances Kings received their power directly from God,³⁵ this did not mean that they were free from all external checks. Even the Vicar of Christ himself, though he had no judge for his personal defects, still “for the crimes of apostasy or heresy . . . may and must be deposed, or rather is ipso facto deprived of his office and dignity and so may be declared by the Church in that case, to wit, as well by Princes and Potentates both Ecclesiastical and Temporall, as by all Christian People, who in that case are bound to concurre to his expulsion and deprivation.”³⁶

There were, in fact, no important new developments in political theory among the English Catholics in the first ten years of the seventeenth century

ENGLISH CATHOLICS AND THE DEPOSING POWER

William Rainolds and "Doleman" had already elaborated the natural law theory of civil society, more on historical than on metaphysical lines. When efforts to get a Catholic prince failed, the English Catholics were content to leave political theory to others and to nibble away at the new pretensions of kingship by trying to establish some limitations on absolute power, from below by stressing the rights of conscience and from above by insisting on the *de jure* power of the Pope to correct kings. The fact was that those who, up to the accession of James I, had advocated political methods for the solution of their troubles, were coming to see that no political solution was practicable. Their old theory of popular sovereignty appealed to a mildly optimistic view of human nature, whereas the new theory of absolutism was founded on the premise, according to Thomas Fitzherbert, of "the imbecillity of humane witt." Not that the remnants of the Allen-Persons party ever came down wholeheartedly on the side of passive obedience. During this period they never abandoned the traditional idea that kings were for the people and not *vice versa*. It is difficult to imagine Persons, for example, speaking or writing of the divinity of kings. We do find something like this in France among the Catholics and even among the Jesuits, and it is to developments in that country and in Spain, as they influence the English scene, that we must now turn.

The French and Spanish Jesuits

We saw above how Persons was unwilling to take issue with James's notion of sovereignty as expressed in *Basilicon Doron*. In Spain they were more logical. Antonio Perez is our authority for the story of a certain preacher at the court of Phillip II who pronounced before that King an address in which he said that sovereigns had absolute power over the persons, as well as over the property, of their subjects. This orator was reported to the Inquisition and had to make a retraction in which he stated "Indeed, sirs, Kings have no other power over their subjects than that which is given to them by the divine and human law; they have none proceeding from their own free and absolute will."³⁷

The Inquisition was perceptive enough to realize that doctrines of absolute power boded ill for the liberty of the Church. In the same way

ENGLISH CATHOLICS AND THE DEPOSING POWER

the Spanish Jesuit Suarez, when he undertook to discuss James's theory of kingship in his *Defensio Fidei*, began with the remark, "Although this controversy does not immediately concern the dogmas of faith (for we have nothing in reference to it either in the Scripture or in the Fathers) it may nevertheless be well to discuss and explain it carefully because *it might possibly lead to error in other dogmas . . .*"³⁸ The point is that the Spanish writers were intellectuals who were given to taking a principle to its logical conclusion. As a mark of their intellectual integrity this was something to be admired. But when they took the doctrine of popular sovereignty to its logical conclusion it was a source of great embarrassment to the men of the Counter-Reformation in France and England.

There was an organic link, as we have seen, between theories of popular sovereignty and of the indirect power, and Suarez and his fellows did not hesitate to fit the traditional doctrine of tyrannicide into their system. But the logic of these theories had been obscured by the passions aroused by the anti-Jesuit and anti-Papal campaigns in France and in England during the latter part of the sixteenth century. The French Jesuits had found out to their sorrow how dangerous the propounding of such theories by a Jesuit in Spain could prove to them. On the 27 Dec. 1594 a certain Jean Chastel, who had been at a Jesuit school, attempted to stab Henri IV, and though it was never proved that the Jesuits had the slightest connection with the crime, they were expelled from the kingdom and one of their number was executed and his body burned publicly because there was found in his possession—he was the librarian of the house—some old Ligue pamphlets.³⁹ Within a month a newsbook was published in England proclaiming that this attempt was the work of a Jesuit.⁴⁰ This was one of the many incidents cited by Sir Francis Hastings to prove that murder was part of the Catholic, and especially the Jesuit code. Persons had to set him right about the facts of the case.⁴¹

But facts carried little force in the face of a myth. From 1594 onwards a succession of newsbooks and party pamphlets of French origin appeared in England. Henri IV himself ceased to be of interest to English propagandists as soon as he ended his quarrel with Rome and embraced Catholicism.⁴² Instead, English readers were now treated to

ENGLISH CATHOLICS AND THE DEPOSING POWER

anti-Jesuit diatribes which pointed to assassination and murder as the first article in the Jesuit creed.

In truth, the doctrine of tyrannicide was only one of the charges fastened upon the Jesuits by their enemies in France. Edmond Richer was the most dedicated of those enemies, and he and his followers, the so-called Richeristes, aimed at the formation of a national church in which the bishops and the secular clergy of the Sorbonne would ally themselves with His Most Christian Majesty to defend the liberties of the *Ecclesia Gallicana* against the Pope and the Jesuits. But though Gallican liberties were closest to the heart of the Richeristes, in their propaganda they stressed the pro-royalist rather than the anti-papal aspects of their doctrine. Thus, in 1615 in an harangue before the three Estates, Richer dealt with three points: (1) the condemnation of tyrannicide and assassination, (2) the supreme temporal sovereignty of the Kings of France, (3) the absolute impossibility of subjects ever being absolved from their promise to obey the King, even if he should abandon the faith.⁴³

It will be seen that this Gallican programme was very close to that of the Appellant party among the English Catholics or even to that of the High Church party among the Anglicans. The Jesuits, as the champions of the Papacy, were the whipping-boys of all these anti-papal elements, and all the furore about tyrannicide in England and in France seems to have been part of an attempt by their opponents to discredit them rather than to debate the real merits of the theory. Both the Gunpowder Plot in 1605 and the assassination of Henri IV by Ravallac in 1610 were seized upon as evidence of the bloodthirsty tenets of the Society. Several of the anti-Jesuit French writings were translated into English, and to these the English Jesuits replied by translating the defences written by their French colleagues.⁴⁴ In their own writings they kept to their old line of defence. As for the practice of tyrannicide, they tried to give the facts of each case in question. As for the theory of tyrannicide, that, they said, was a matter for the theologians; it had been debated in Christendom for centuries without any danger to the State. They claimed that the only irresponsible doctrine on this point was that adopted by the Protestants, and that was one which had been condemned at the Council of Constance.

ENGLISH CATHOLICS AND THE DEPOSING POWER

The French Jesuits had a place in the life of their country which was denied to their English confrères and which they stood to lose if their enemies could succeed in discrediting them. Hence the publication in 1599 of even such a theoretical treatment of tyrannicide as was contained in the *De rege* of the Spanish Jesuit Mariana, seemed to them to imperil their own position. Although there was no treatment of the papal power in this book (for, like the authors of the *Book of Succession*, Mariana based his theories on natural law) in its doctrine of tyrannicide there was little to distinguish it from many of the Huguenot and Ligue treatises except that Mariana stated the doctrine more coolly and in more orderly fashion.⁴⁵ But coming from a Jesuit these theories received more hostile attention than they would have done if they had come from any other source. From France complaints about the book reached Claudio Aquaviva, the General of the Society. He replied that he had already given orders for the text to be corrected.⁴⁶ In France the Jesuits now set themselves to remove the sting, as far as possible, from traditional theses on Papal power and excommunication of Kings. Louis Richeome, provincial of France, in an answer to Pasquier and Arnauld, tried to dissociate excommunication from tyrannicide. It was not true, he wrote, that an excommunicated king was automatically a tyrant. Theodosius was excommunicated by Ambrose and he was not called a tyrant or deprived of his crown, nor were his subjects released from their oath of fidelity.

“L'Excommunication de soy n'est pas suyvie de tel train. De soy et en soy elle n'est autre chose que privation de communion . . . L'excommunication ne faict sinon un excommunié et se fulmine non pour faire des Tyrans ni pour priver les Princes de leur temporel, ni pour lasher la bride aux sujets et les dispenser de leur foy, mais pour aider les personnes d'une salutaire terreur.”⁴⁷

Indeed among the French Jesuit writers of this time the emphasis on papal prerogatives waned and that on royal prerogatives waxed. In 1610 Père Coton laid down the Jesuit position on government in a series of propositions :

“Qu'entre toutes les sortes de gouvernement la monarchie est la meilleure . . . Que les rois sont, comme les appellait Homère, les

ENGLISH CATHOLICS AND THE DEPOSING POWER

enfants et nourissons de Dieu, ou plutot, comme dit Menandre, son image animée.

- Que c'est une hérésie de croire que les rois soient donnés aux hommes par cas fortuits.
- Que les rois de France sont les fils aînés de l'Eglise doués de privilèges rares et signalés par dessus le commun des autres rois de la terre.
- Qu'il n'est pas loisible de leur refuser l'obéissance. Qui resiste aus rois acquiert la damnation.⁴⁸

To understand the Jesuits' devotion to the monarchy in France we have to remember that Henri IV was their constant protector. He it was who, after their expulsion, allowed them back into France despite Queen Elizabeth's warnings⁴⁹ and defended them against the attacks of the Parlement of Paris. The anti-Jesuit lawyers suggested to the king that though as a monarch by divine right he had the power to protect the Jesuits if he chose, yet by doing so he was risking his own destruction. But the king remained unpersuaded.⁵⁰ Because they were sensible of their ultimate dependence on the friendship of the king to protect them against their enemies, the French Jesuits in their political writing rallied to the support of absolute monarchy. Nor were they alone in this tendency. During the regency of Marie de Medicis after the death of Henri IV, the nuncio in Paris, Ubaldini, wrote to Cardinal Borghese that the thread which bound France to the Holy See had become very thin and he thought that the only force which could put an end to the dangers which threatened the Church there was a king whose authority was absolute and whose fidelity and piety were extraordinary.⁵¹

Ubaldini, however, was among those who thought that the Jesuits in France were going too far in exalting the rights of the king and playing down those of the Pope. The Jesuit General, Aquaviva, was even more alarmed. On the 20 December 1610 he wrote to the superior of the Professed House in Paris, Père Jacquinot, and to Père Coton and the Provincial in Paris about some strange opinions of the fathers at Paris that had been reported to him.

ENGLISH CATHOLICS AND THE DEPOSING POWER

Among these were the contentions that papal deposing power had nowhere been the subject of a dogmatic definition, and that no Jesuit ought publicly to maintain the opposite; that Catholics in England were not bound, at risk of life and fortune, to refuse the Oath of Allegiance now being tendered to them, if the Oath simply denied such power to the pope, and that anyone who was put to death for refusing that Oath was not to be called a martyr for the faith.⁵²

Aquaviva was willing, however, to do his best to make things easy for his French subjects. We have already seen his action as regards Mariana's book. Again, in the impassioned atmosphere which followed the assassination of Henri IV in 1610 he gave the strictest orders to all Jesuits neither in public nor even in private so much as to suggest that anyone had any right to kill, or to plot the death of, a prince, even on the grounds of tyranny.⁵³ But by thus setting practical considerations above the right to unrestricted discussion, Aquaviva imposed a serious handicap on those Jesuit authors who were currently engaged in an important controversy with King James I and "the Anglican sect" over the Oath of Allegiance, and were trying to vindicate the reasonableness of the traditional doctrine of the scholastics in the matter of tyrannicide.

The General's prohibition, however, because it was never promulgated in the Iberian provinces, did not silence the voice of the Spanish Jesuit, Suarez, who in the same year, 1610, had been invited by the Holy See to write in defence of the papal prerogatives. Despite a reluctance to become involved in current political controversy, Suarez set to work. A Jesuit, John Sweetnam, was withheld from the English mission so that he could assist Suarez at Coimbra by translating for him some of the English works in the controversy.⁵⁴ Guiding himself by the conclusions he had already reached in his *De Legibus*, Suarez produced an answer to King James, which he entitled *Defensio Fidei Catholicae adversus Anglicanae sectae errores*.⁵⁵ It was not the most voluminous contribution from the Catholic side, but it was probably the best presentation of the traditional doctrine.

Suarez makes the classic distinction between *tyrannus ab origine* and *tyrannus a regimine*. In the first case the tyrant is not a rightful prince

at all but only a usurper. If he is plainly a usurper and does not take steps to secure the consent of the people to his title, then he is a public enemy, and if no recourse is possible to a superior authority and there is reasonable hope that his removal will have a happy result, then he can justly be killed by any private member of the community.⁵⁶

In the second case, that of a rightful prince who degenerates into insupportable tyranny, for instance by putting in jeopardy the vital interests of the country or its independence, by taking the lives of numerous citizens, or by leading the nation into schism or heresy, then the people either as a whole or through their natural leaders, can judge him deposed. Their right to do so is based on natural justice and may be compared with the right of an individual to defend his own life. A Christian commonwealth, however, should, whenever possible, leave the decision to the Pope, who possesses by divine law the indirect power to depose princes who jeopardise the spiritual welfare of their subjects. But whether it is the Pope or the commonwealth that deposes the King, no private man can execute sentence of death on him unless it be in self defence.

“Neither the commonwealth nor the Pope, in condemning a heretical king or one who has become a tyrant in some other way, gives even tacitly or implicitly, such a sanction [i.e. to kill him] to all and sundry . . . For prudence is always necessary, and a just manner of carrying out the sentence, and there is greater danger of disorder and excess when force is applied to the person of a prince than when it is applied to the persons of others.⁵⁷

So, if the Pope has not specified who is to execute sentence on the tyrant, this duty is to be performed either by the tyrant's legitimate successor or, in case he neglects to do it or there is no successor, then by the community which takes over the right to put the tyrant to death.

As can be seen, the views of Suarez were certainly not extremist, but when his book became known in Paris it caused a fresh outcry against the Jesuits.⁵⁸ Although the French Jesuits had already gone far towards accepting the full doctrine of passive obedience and had even subscribed, after much hesitation, to Gallican propositions,⁵⁹ this did not save them

ENGLISH CATHOLICS AND THE DEPOSING POWER

from the humiliation of the public condemnation of their fellow-Jesuit's book. Suarez's *Defensio fidei* was burned by the common hangman in Paris, as it had already been in Protestant London at Paul's Cross.⁶⁰ James and the Protestants in England were jubilant. In the Jesuit "Annual Letter" for 1614 from England we can read a vivid account of the triumphant pleasure taken by the enemies of the Church in publicising the condemnation of a Jesuit author in a Catholic country.⁶¹

The English Jesuits themselves were not permitted to go to the defence of Suarez, for when Aquaviva found out that his decree had not been promulgated in Spain and Portugal, he sent out a new one in more stringent terms. There was to be no more discussion about tyrannicide. Further, any book by a Jesuit that treated in any way of the power of the Pope over princes was to be sent to Rome for approval before being printed. By this prohibition the Jesuit controversialists were severely handicapped. We can see the result, for example, in Thomas Fitzherbert's later books against Thomas Preston, the Benedictine who continued to write in favour of the Oath of Allegiance.⁶² Fitzherbert at times, just when he seems to have the advantage over his opponent, finds himself prevented by the General's prohibition from pressing home his arguments to their logical conclusion.

In 1626 Mutius Vitelleschi, who had succeeded Aquaviva as General, gave the final *coup de grace* to any free discussion of this topic by members of the Order. In a directive to all the members of the Society he repeated, for the future avoidance of all occasion of offence and dispute, his predecessor's prohibition. No Jesuit was henceforth, under holy obedience, by private or published writing, or by word of mouth, even to treat of these controversial matters.⁶³

This marked the end of the great scholastic debate on politics. From this point the Jesuits ceased to champion the mediaeval tradition in politics and began to come to terms with the age of Absolute Monarchy.

(The final part of this article will appear in a subsequent issue. Part I appeared in Vol. 6, no. 3)

ENGLISH CATHOLICS AND THE DEPOSING POWER

NOTES

1. Doctors who taught otherwise, e.g. those who developed the theory of the "accidental power," which we have discussed in the previous article, such as Almain, Major, and Quidort, were all tinged with conciliarism.
2. See L. Hicks: "The Embassy of Sir Anthony Standen" Part II *Recusant History*, V. 5. 184-7, and references cited in notes 11 and 16 pp. 206 *et seq.*
3. STC. 20626.
4. London, 1598 (STC 3092).
5. "An Sit licitum Catholicis in Anglia arma sumere, et aliis modis, reginam et regnum defendere contra Hispanos," reprinted (in English) from Burghley's papers by Strype *Annals* III, ii, pp. 583-597. See especially pp. 589 *et seq.* On Wright see the article by T. Stroud in *Biographical Studies* I, 3, especially pp. 193-4.
6. T. G. Law: *The Archpriest Controversy*, Vol. II (London, 1898) pp. 147-150. This document seems to be a resumé of a much longer one now in Westminster Archives VII No. 16, p. 79. For the distinction between temerarious and heretical propositions a useful article is in the *Catholic Encyclopedia*, under "Censures, theological."
7. *Le franc discours. Discourse presented . . . to the French King* by Antoine Arnauld, 1602 (A & R 42) and *The Iesuites catechisme* by Etienne Pasquier, 1602 (A & R 596).
8. Printed in Tierney-Dodd III, clxxxviii *et seq.* See also his text pp. 56. Preliminary drafts in Law: *Archpriest Controversy* II, pp. 246-8. Thomas Preston alias "Roger Widdrington," afterwards claimed that this *Protestation* "was the ground and foundation from whence the Parliament . . . framed the form of this new Oath [of Allegiance] . . ." See *A New-Yeaeres Gift for English Catholikes*, 1620. (A & R 670) pp. 11 *et seq.* See also Fr. Pollen's comments in *Month* cxvii (1911) pp. 348 *et seq.*
9. *English Protestants Plea*, 1621. (A & R 159) pp. 32 *et seq.*, 62 *et seq.*
10. *The Catholikes Supplication* (STC 20141), also printed by Tierney-Dodd IV, lxxii-lxxiv. See also a reply to it by Christopher Muriell (STC 18292).
11. A & R 247 and 646. An anonymous Catholic reply to the Puritans, entitled *A Briefe Censure, vpon the puritane pamphlet: entituled Humble motyues* which had appeared in 1603 (A & R 141) also develops a similar line of argument.

ENGLISH CATHOLICS AND THE DEPOSING POWER

12. *Petition Apologeticall*, pp. 28, 23.
13. A & R 164 and 132.
14. Broughton, *op. cit.* at sigs H1^v and N2^v. In Stonyhurst MSS. Collectanea P. I, fol. 181a, the seventeenth-century archivist Christopher Greene S.J. with some hesitation ascribed this book, which was published without the author's name, to Persons because he had seen a copy covered with Persons's notes in the English College. But it is plain from Persons's own comments in his *A Treatise tending to Mitigation*, 1607 (A & R 641) pp. 97 *et seq.*, that he simply used it to prepare his own book and we shall see (*supra* p.211) that he did not approve of its tone.
15. See pp. 50 *et seq.*
16. The English translation of Sarpi's book is entitled: *An apology or Apologeticall answeare made . . . unto . . . Cardinal Bellarmine against certaine treatises and Resolutions of John Gerson, concerning the force and validity of Excommunication*, London, 1607. (STC 21757). Sarpi's anti-papal writings enjoyed a great vogue at this time in Protestant England (see the list of his books in STC). On Rome's attitude see Brodrick: *Bellarmino*, chapter 21.
17. Stonyhurst MSS, Anglia VII. No. 24.
18. A & R 771-2.
19. The whole of part I is taken up with the temporal power (pp. 1-84); most of the passages which gave offence to Blackwell are in chapter 1 (pp. 1-8).
20. The memorandum, entitled *Censura brevis* etc., is the document referred to in note 17 above. L. Hicks, S.J., gives all the references for this affair in CRS. vol. XLI, pp. 122 *et seq.* He also points out that there is nothing to show that it was Persons's memorandum which was presented to the Inquisition.
21. Bishop Smith to Fitton, 17 June 1633, printed in CRS. vol. XXII p. 181.
22. An exception must be made for Richard Walpole if the initials R.G. on the titlepage of the *Appendix ad Apologiam* (1602) which was written as a supplement to Persons's *A Brieve Apologie* (A & R 613) are taken to stand for 'Richardus Gualpolus.' There are many pieces of internal evidence to substantiate this identification. This Latin *Appendix*, which is longer than the earlier *Appendix to the Apologie* (A & R 612), contains on pp. 44-54 a good treatment of Church-state questions.
23. Persons: *A Temperate Ward-word*, 1599 (A & R 639) p. 53. According to Richard Walpole, "Such questions [were] to be handled by divines in the schooles and kept from vulgar peoples eares," *A Brief, and Cleere Confutation*, 1603, (A & R 874) p. 207b.

ENGLISH CATHOLICS AND THE DEPOSING POWER

24. See G. W. Prothero: *Select Statutes and Constitutional Documents*, 4th ed. (Oxford, 1913) pp. 259 *et seq.* On the evolution of the Oath see R. G. Usher: *Reconstruction of the English Church* (London 1910) II, ch. 3 and in the Appendix, pp. 310 *et seq.*
25. *A Treatise tending to Mitigation*, 1607 (A & R 641) pp. 77 *et seq.*
26. Bellarmine wrote a mild answer which was only published in 1913 in *Auctarium Bellarminianum* (ed. F. X. Le Bachelet) pp. 209-256. For Persons's reaction see *A Treatise of Three Conversions* Vol. I, 1603 (A & R 640) sig. * 3 r&v and his letter to Garnet (P.R.O., S.P. 14/1/84). Persons had the *Basilicon Doron* translated into Latin for the benefit of Pope Clement VIII. This translation, together with Persons's forwarding letter, is in Vatican Archives, Borghese MSS, IV, 95.
27. Vatican Archives, Borghese MSS III, 124 (g. 2, f. 31). Original in Italian.
28. Letter of 26 Aug. 1606, B.M. Addit. MSS 14140, No. 30, fol. 87.
29. "A Discourse against taking the Oathe in England, written by F. Persons," Stonyhurst MSS, Collectanea P., pp. 161-174.
30. The second paragraph referred to is the section contained in lines 17 to 32 of Prothero, *op. cit.*, p. 259.
31. Persons: *The Judgment of a Catholike English-man*, 1608 (A & R 630), pp. 115 *et seq.* According to Bishop Bancroft this was a point common to popery and the Puritan doctrine. The latter, he wrote, "dooth not onelye take from Prynces the authoritie for execution and discipline, but debarreth them also of their right and interest in ordeyning, makeinge and determynyng of lawes, orders, or cerymonyes and causes ecclesiasticall. That which they give to Princes, is but plaine Poperie, that is potestas facti non juris, or as Saunders saith *authoritas promovendi religionem non constituendi . . .*" (Tracts ascribed to Richard Bancroft, ed. A. Peel, Cambridge, 1953, p. 81.) The same theme is developed in Bancroft's *Survey of the Pretended Holie Discipline*, 1593, (STC 1352) ch. 23.
32. *Holie Bible*, (Douay version) 1609, I, p. 713. See also the comments on II Paralipomenon xiv, 2, and I Peter ii, 13.
33. Rainolds: *Calvino-Turcismus*, Bk. 4, ch. 10 (see also p. 1080); Stapleton: *Apologia pro rege . . . Philippo II*, 1592, pp. 198 *et seq.*; Verstegan: *A Declaration of the True Causes*, 1592 (A & R 844) pp. 11 *et seq.*
34. Persons: *An Answer to the fifth part of Reportes*, 1606, (A & R 611), p. 26.

ENGLISH CATHOLICS AND THE DEPOSING POWER

35. [R. Walpole ?] *Appendix ad Apologiam*, p. 46. This was a reference to certain instances in the Old Testament.
36. Persons: *A Treatise tending to Mitigation*, p. 180. See also [R. Walpole ?] *Appendix ad Apologiam*, pp. 44 *et seq.* and the references in note 22 *supra*.
37. Antonio Perez: *Relaciones* (Paris, 1624) pp. 455 *et seq.*
38. *Defensio Fidei* III, ii, No. 2. The italics are mine.
39. Henri Fouqueray: *Histoire de la compagnie de Jésus en France* II (Paris, 1913) pp. 401-4. Duplessis-Mornay wrote to one of his co-religionists, Saucy, and congratulated him for having "si dextrement pris l'occasion pour l'expulsion des jesuites. C'est ung coup inestimable sur ces nouveaux estançons de la toute puissance de Rome . . ." R. Patry: *Philippe du Plessis-Mornay*, (Paris, 1933) p. 262 *n*.
40. *The copie of a letter . . . wherein is shewed the late attempt of a Iesuïte to kill the king* (STC 13130a). Two more pamphlets on the same subject were entered in the Stationers' Register; see D. C. Collins: *A Handlist of News-pamphlets* (London, 1943) p. 108.
41. *A temperate Ward-word*, pp. 61 *et seq.*
42. "There is no better evidence of the fact that foreign news was an echo of the trend of English opinion with regard to home affairs than the scarcity of news from abroad which does not flatter English hopes, coincide with English prejudices, and confirm English notions." M. A. Shaaber: *Some Forerunners of the Newspaper in England* (Philadelphia, 1929) pp. 182 *et seq.*
43. V. Martin: *Le Gallicanisme politique* ch. 4 (pp. 87-137) treats of Richer's campaign in general.
44. For example, *Anti-Coton, or a refutation of Cottons letter*, 1611 (STC 5861) answered by *The copie of a letter . . . containynge an Answer to the calumniationes of the Anti-Coton*, 1611 (A & R 590). Cf. also STC 5862 and A & R 32 and 591.
45. On this question see Jaszi & Lewis: *Against the Tyrant* (Glencoe, 1957) pp. 69 *et seq.*
46. Fouqueray, *op. cit.*, III, pp. 241 *et seq.*
47. "Excommunication of itself is not followed by such a consequence. Of itself and in itself it is nothing else than a privation of communion . . . Excommunication does nothing other than make a person excommunicate. It releases its thunderbolts not to give princes the status of tyrant, nor to deprive them of their temporal sovereignty, nor to give free rein to their subjects nor to absolve these from their allegiance, but to bring help to

ENGLISH CATHOLICS AND THE DEPOSING POWER

princes as individual souls by means of inspiring in them a salutary fear." *Plainte apologétique* (1603) pp. 79 *et seq.* This was an answer to the works of Arnauld and Pasquier referred to above, note 8. William Warmington quoted part of this passage on p. 99 of his *Moderate Defence* (A & R 882).

48. *Lettre Déclaratoire à la Reine mère* (Paris, 1610) pp. 7 *et seq.* An English version of the whole of this work was included in Thomas Owen's *A Letter of a Catholike Man* (A & R 591) of the same year, where these passages, pp. 16 *et seq.*, are translated as follows: "That amongst all sorts of government and publicke administration the Monarchie is the best.

That the Kings are, as *Homer* calleth them, the children and fosters of God, or rather his own lively Images as sayd *Menander*.

That it is a damnable heresy, . . . to thinke that Kings are given to men casually.

That our Kings of *France* are the eldest children of the Church, enjoying rare and singular priviledges, above the common, of other Kings of the world.

That it is not lawfull to denie to them obedience.

That he which resisteth kinges or rebelleth against them, purchaseth to him selfe his owne damnation."

49. Fouquieray, *op. cit.*, II, 608 referring to De Beaumont's letter to Henri IV of 20 Feb. 1602.
50. Fourqueray *op. cit.*, II, pp. 674 *et seq.* gives an account of Achille de Harlay's speech against the Jesuits and Henri IV's reply. The latter is translated in Anthony Hoskins: *The Apologies of the Most Christian Kinges* (A & R 32) pp. 13-23.
51. Pierre Blet: "Jesuites et Libertés Gallicanes en 1611," *Archivum Historicum Societatis Jesu* xxiv (1955) p. 166.
52. Aquaviva's letter is printed by Pierre Blet as an appendix to his article "Jesuites Gallicans au xviie siècle." *Archivum Historicum Societatis Jesu* xxix (1960) pp. 83 *et seq.*
53. Fouquieray, *op. cit.*, III, p. 247.
54. Raoul de Scoraille: *François Suarez* (Paris, 1912) II, pp. 172 *et seq.*
55. Coimbra, 1613 ; Cologne, 1614. See Sommervogel for an account of the many subsequent editions.
56. *Defensio Fidei* VI, 4, nos. 1-12. The summary which follows is drawn from the same section, nos. 15-19.

ENGLISH CATHOLICS AND THE DEPOSING POWER

57. ". . . Nec respublica vel Papa regem haereticum vel aliter tyrannicum condemnans, omnibus talem licentiam [i.e. eum occidendi] concedit etiam tacite, vel implicate . . . Nam semper est necessaria prudentia, et justus modus in ipsa executione, et majus periculum est turbationis et excessus in coactione personae principis, quam caeterarum . . ."
58. Fouqueray, *op. cit.*, II, pp. 305-313 ; De Scoraille, *op. cit.*, II, pp. 197-218.
59. Fouqueray, *op. cit.*, III, p. 291 ; V. Martin, *op. cit.*, pp. 113-117.
60. De Scoraille, *op. cit.*, II, pp. 193-209.
61. Henry Foley, *Records S.J.* VII, Part II, pp. 1059 *et seq.*
62. Fitzherbert's later books (A & R 314-5) simply insist on the fact that the Pope has forbidden Catholics to take the Oath and do not try to make out a case for the prohibition.
63. *Institutum Societatis Jesu* II pp. 51 *et seq.*, (Rome, 1870): V. Martin *op. cit.* p. 91n. Vitelleschi relied on the same method of imposing silence on his subjects in the case of the Chalcedon controversy ; see Thomas Hughes, *History of the Society of Jesus in North America* Vol. I of Text (London, 1907) pp. 70 *et seq.*

A PROPOS OF HENRY CONSTABLE

By JOHN BOSSY

Nobody will pretend that Henry Constable was more than a minor poet and an indifferent theologian; he is nonetheless a crucial figure in the history of English Catholicism, and it is most important that we should have a clear idea of his motives and opinions. Dr. Rogers has done us a great service by sorting out the bibliographical history of his *Examen pacifique de la Doctrine des Huguenots*, and dispelling a number of confusions which had accumulated around it.¹ I propose to supplement his article by producing evidence which, except on a few points, will support and amplify his conclusions and suggest a more concrete biographical background to them.

There is not the least doubt about Constable's authorship of the book, but some points may be added to those already made. There is a correction in the British Museum copy of the 1589 edition, p. 75-6. The text has:— "Je respons premierement, *que le Concile de Sinuesse est ridicule lequel des le commencement, commence son propos sans avoir rien dit auparavant, par nemo enim. Secondement, il est aise a voir que cest un Concile forge . . .*" The italicised passage has been deleted by hand; "qu'il" has been added over "secondement"; an apostrophe has been added to "cest"; "tiercement", p. 76, l. 9, has been changed to "secondement"; and the marginal reference "Sigon: de occidentis imperio, lib. 1" deleted and rewritten against the original "secondement". These alterations are in Constable's handwriting. They rule out Dr. Rogers's tentative suggestion (p. 229) that Constable was not personally responsible for the publication of the book in 1589, and allow us to accept as his own the account of the genesis of the book given in the *Epistre au lecteur*, pp. (3) & (9). This is not entirely clear, but seems to mean that the book was substantially written towards the middle of 1588; that he discontinued it because he decided that the question, whether protestants were or were not heretics, ought to be treated not in a short controversial pamphlet but in a large-scale independent work; that he had not actually begun the larger book when the news arrived of the assassination of Henri III of France (2 August 1589); and that this event

HENRY CONSTABLE

inspired him to return to, and complete, his original plan. The book was presumably finished when Wolfe entered it for publication on 26 August. One more small point. The passage, p. 35— "Finalement il y en a qui disent que les ames y (sc. en Purgatoire) sont affligées par les Diables, autres par les Anges . . .", may be compared with Constable's sonnet *To the Queen, touching the cruel effects of her perfections*²:— "Oh no, not hell but purgatory this,/Whose souls some say by angels punished be . . ." This may usefully serve to remind us that the man who wrote the *Examen pacifique* was the same as the man who wrote the poems.

As Dr. Rogers says, the *Examen pacifique* had a second edition, "imprimé a Caen, 1590". I hope he will himself present the evidence that this was likewise produced by John Wolfe in London. It incorporates (p. 75) the correction already described, as does the English translation of 1623; which seems to show that Constable was concerned in the production of the second edition of the book, and that it still represented his views at whatever time in 1590 it appeared.³ There is, or was, a second copy of this edition in the Bibliothèque Nationale, Paris, though this appears at the moment to be lost.⁴ It is thus not clear on what grounds the catalogue attributes it to "H. Connestable"; but whatever they are, they will probably account for the later ascription to Cardinal du Perron. Du Perron published his *Réfutation de Daniel Tilenus* (1601) under Constable's name, in this form, "H. Connestable," though he made it clear in a preface that he was himself the author⁵; this must later have been taken to mean that "H. Connestable" was simply a pseudonym for Du Perron. After Constable's retirement to France, the two men were quite closely associated; Constable was useful to Du Perron in controversy as an example of the reasonable man converted to Catholicism by argument.

This said, we may come to some less technical evidence. After the book had been printed, it was circulated abroad by Constable's friend Jean Hotman de Villiers, son of François Hotman and formerly secretary to the Earl of Leicester. We have two sets of replies, the first to Hotman and to Constable from Richard Douglas in Edinburgh, 2 November 1589, simply acknowledging receipt⁶; the second from Pierre Loyseleur de Villiers, at Middelburg in Zeeland, written early in 1590.⁷ Loyseleur had

HENRY CONSTABLE

been chaplain to William of Orange, and was now chaplain to his widow, Princess Christine ; Constable must have met him during his tour of the Continent, as two of his sonnets are addressed to the princess. Loyseleur was a theologian of standing, and his comments are extended and interesting:—

“I have also to thank you for the book of Mr. Constable which you sent me ; I had foreseen that the outcome of it would be as you tell me in your last letter. I know that there are people of every humour, some sinning by excess, some by defect, and I think that those who wish to moderate matters too much are in no less dangerous a position than the others, since people are naturally inclined to inertia.⁸ Happy the man who can maintain the golden mean. I am not, thank God, one of these fanatics ; but neither do I feel tempted to surrender just claims out of sheer weakness. To return to Mr. Constable’s book, I could have wished two things : first, that he had not pretended to be a Roman (Catholic), for though many have done it before him, I do not think this is possible without great sin before God, who wants no pretences and dissimulation in religion ; next, that this subject had been treated more fully, for men are not to be persuaded so easily. Though it may be he has decided to leave himself plenty to say in reply to opponents.” He goes on to say that he himself has sent over to the French ambassador in London some theses of his, apparently on the nature of the Church and of a reconciliatory character, to see what reaction they provoke. He has not wished to publish them more widely, because the time is not yet ripe. He thinks that Constable perhaps ought to have done likewise. “It seems to me that one must be very prudent and calm people’s minds and make them capable of mutual comprehension, and thus gain ground without attracting the attention of the fanatics.”⁹

It is clear from this that Constable was circulating his book among those of his Protestant acquaintance whom he thought might be open to conversion to the relatively moderate views of the Roman Church presented in it. Loyseleur’s reaction was cautiously sympathetic ; but he detected, as will anyone who reads the book, that Constable’s method of stopping

HENRY CONSTABLE

tual content of the views of both sides. It is not clear what Loyseleur means by the 'outcome,' but I suspect it to mean that the reaction to the book among most Protestants was not in fact favourable in the least. Loyseleur makes a second reference to it in a letter to Hotman written in the middle of May : — "As for Mr. Constable's book, I have already told you what I think of it, and I do not intend to meddle further in what is not my business. I will however say this much : that though I know nothing of the judgment of "Monsieur Mertin" other than what you tell me, I consider him a person whose judgment I would put above that of any man I know."¹⁰ This is enigmatic in the extreme ; but it can hardly mean less than that the *Examen pacifique* had raised a controversy which was still in progress.

We have in any event a full statement of the case against the book, admittedly written after Constable's conversion to Catholicism, from the hand of another eminent Protestant theologian, Pierre du Moulin the elder. Du Moulin had emigrated to London in 1588, when he was twenty ; through another émigré, his future brother-in-law Etienne Bochart du Mesnillet, he had been taken on as Constable's servant. Constable was then living at the Minories outside Aldgate, an ex-Franciscan convent occupied by his father, Sir Robert Constable, in virtue of his office of Lieutenant-General of the Ordnance in the Tower.¹¹ He was presumably there when he wrote the *Examen pacifique*, and Du Moulin was certainly in his service at the time of the revision and publication of the manuscript. When Constable went to France with Essex's army in 1591, he passed Du Moulin on to his relative the Earl of Rutland, who had gone to study at Cambridge.¹² In France, Constable declared himself a Catholic, and the news was sent to Du Moulin by Bochart, now pastor at Dieppe. Du Moulin replied from Cambridge on 19 July 1592¹³ : —

"I knew already everything you say about Mr. Constable and, though disappointed, am not at all surprised. He is going full pelt towards retribution ; nothing is constant about the man but his inconstancy. I was always afraid of the way he would turn out. He has killed his father from sorrow, and lost both his reputation and the advancement which the Lord Treasurer *would have procured him*. He has wrecked his career, and nothing remained but that he should wreck

HENRY CONSTABLE

his conscience also. Homer's "That man is rootless, lawless, heartless"¹⁴ suits him exactly. I am sorry for him. Though imprudent, he is straightforward, and though unreliable, intelligent; but he has ruined what brains he has in logical acrobatics. His theology is one of fantasy, not of reality . . .

"I have perhaps seen the book he published. He had with him here a book to the same effect written, as he said, by a relation of his. I read it. It was short, but one could have wished it considerably shorter. It is against arrogance on either side, plays down errors and appeals for reconciliation—all old stuff. For myself, though I have no doubt that many unimportant questions are pressed more bitterly than they deserve by both sides, I should be glad if people of this sort would tell me what grounds for reconciliation there are on the questions, Whether or not Purgatory exists? Whether the Pope is the head of the Church? Whether saints are to be prayed to? And there are numberless other questions where it is not a matter of means or circumstances, but where one side radically rejects a notion, the other reaffirms it. Those questions which they say are minor, depend on the major ones, and there can be no other agreement unless one or other side abandons its position. To take one example: prayers for the dead, the keeping of anniversaries, indulgences and the treasury of grace in the Church, the distinction of venial and mortal sins, of punishment and guilt—all these things depend on the doctrine of Purgatory.¹⁵ As does the dreadful notion, truly a cross of Christ, that Christ did not die for sins committed after baptism; and likewise all the means of satisfaction by which Catholics redeem the punishment of Purgatory—fasting, pilgrimages, vows, flagellations, etc. Further, the monstrous opinion concerning works of supererogation largely collapses if Purgatory is denied, certainly for all practical purposes; so do all their private Masses for particular souls, and the *Limbo patrum et puerorum* which is next door to Purgatory. As many and as important questions depend on the primacy of the Pope: for all the ceremonies which that supposedly sacred Curia has introduced, all the orders which it has established, all the demands, instructions, concessions and fulminations which it issues throughout

HENRY CONSTABLE

the Christian world, become so much hot air if the primacy of the Pope is rejected. If therefore these good fellows can discover a way by which contradictories may be made to agree, we shall be *glad to help with* the rest, shall indeed be the first to make approaches for reconciliation. But I am afraid they have neither the science nor the conscience for the job."

This is not the place to discuss Du Moulin's astringent estimate of Constable's character and mental equipment; made by a man who had been in the closest of contact with him, and who obviously liked him as a person,¹⁶ this must carry a good deal of weight. What is relevant here is that his remarks, together with some other rather scrappy evidence, do suggest a fairly intelligible account of the reception of the *Examen pacifique* and of its relation to Constable's conversion. He had himself circulated the book in England, half-heartedly concealing his authorship; the production of a second edition implies that there was quite a demand. The reception varied. He was not alone in his point of view; the only other information we have shows that his relative the Earl of Shrewsbury approved of the book, and could possibly be taken to mean that it had the patronage of Sir Christopher Hatton, the Lord Chancellor.¹⁷ But the normal Protestant reaction seems clearly to have been that of Du Moulin: that the argument was untenable, and that a man who could put it forward was well on the road to Rome. This impression would account for Constable's failure to obtain advancement, in particular by putting him in bad odour with Lord Burghley, on whose patronage he had relied for a government office.¹⁸ Du Moulin's account is vague, but it clearly indicates that Constable's career in England had come to a halt *before* his public conversion to Catholicism. It seems to have been this, as much as the conversion itself, that was responsible for Sir Robert Constable's death.¹⁹ And 'vain Ambition,' as has been pointed out elsewhere, had a great deal to do with diverting Constable from secular to spiritual poetry.²⁰

The sequence of events preceding and following the appearance of the *Examen pacifique* will then be as follows. Constable returned from his continental tour in November 1587,²¹ and settled in London at his father's house in the Minories. He frequented the Court and had expectations of office. Towards the middle of 1588 he wrote the bulk of a reply to

HENRY CONSTABLE

13. *Archives historiques du département de la Gironde*, vol. 19 (Bordeaux, 1879), p. 535. This letter is so badly transcribed as to make any translation partly conjectural; the two worst places have been italicised in the text. Where the punctuation is wildly wrong, I have changed it. I am very grateful to Dr. F. R. D. Goodyear for help with this; he is in no way responsible for the result. The short passage omitted between the first and second paragraphs refers to another man, not named, and the second paragraph could grammatically refer to him, not to Constable; I am satisfied from the context that it does not.

[In the following passage Greek characters are transliterated. *Ed.*]

“Quae de domino Constable adjicis nota omnia, eaque, etsi contra meum votum, tamen non praeter expectationem. Navibus atque quadrigis currit ad poenitentiam, hominis constans inconstantia, metui semper quorsum evaderet. Nunc patre dolore exanimato, dilapidatis et fama et fortunis quae thesaurarius summus *parocheisuse*, consecratus tabulas naufragii. Quid supererat nisi et conscientiae naufragium faceret? Omnino quadrat in eum illud Homeri: *Aphretor, athemistos, anestios estin ekeinos*. Eoque me magis miseret hominis, quod satis ingenuus, si non imprudentia, satis ingeniosus, si non inutilitate quod est in se *sophias* perverteret *aerobaton kai dialepto logomenos*. Theologiae *onar* potius quam *hupar* sibi depingens . . .

“Librum vero quem edidit fortasse vidi. Habebat enim hic prae manibus librum ejusdem argumenti a quodam ipsius consanguineo, ut ipse aiebat, conscribellatum, quem legi, ut brevem, sed in quo plura tollas quam relinquo; carpit utriusque partis *philoneikian*, imminuit errores, hortatur ad concordiam: vetera omnia et centones emendicati. Ego vero, etsi non dubito levia multa acrius quam par est ultro citroque agitari, quaesierim tamen libens ad iis ejusmodi hominibus, qua via reconciliationis in quaestionibus: An sit, aut (non *presumably left out*) sit purgatorium? An papa sit caput ecclesiae? An sint sancti invocandi? et innumera alia, ubi non ambigitur de modo aut circumstantia rei, sed alii tollunt rem funditus, alii stabiliunt. Caetera vero, quae vocant minuta, ab illis pendent, nec coalescet unquam lis nisi profligata alterutra sententia. Unum dabo exemplum: a purgatorio pendent ista: crationes pro mortuis, anniversaria, indulgentiae et thesaurus Ecclesiae, doctrina de peccatis venialibus et mortalibus, distinctio poenae et culpae. Tum horrendum istud et vere crux Crucis Christi, non mortuum Christum pro peccatis quae sequuntur baptismum. Praeterea satisfactiones omnes quibus redimunt poenam purgatorii, ut jejunia, peregrinationes, vota, flagellationes, etc. Adde quod monstrum illud operum supererogationis magna ex parte extincto purgatorio concutitur; certe quod ad applicationem. Denique tot privatae missae pro animabus certis, nec non purgatorio contiguus limbus patrum et puerorum evertitur. Nec minora, nec pauciora pendent a primatu

HENRY CONSTABLE

Papae, quotquot enim sacra ista curia ceremonias innexit, quot ordines stabilivit, quotque in orbe christiano exigit, mandat, remittit, fulminat, ista *phronda* fiunt et nihili si primatus pontificis corruat. Praescribant igitur boni isti viri viam qua contradicentia possint inter se coalescere, et tunc nos exhibebimus ad reliqua *suparakomisous*, immo ad ineundam concordiam primos mittemus feciales. Sed hos mitto in quibus aut scientiam desidero, aut conscientiam . . ."

14. *Iliad*, ix, 63.
15. Cf. *Examen pacifique*, p. 34f. Constable's summing up of the Purgatory problem is: "Donc la difference entre les Catholiques et les Huguenots gist en cela, que les Huguenots ne le croient pas, et les Catholiques ne scavent ce qu'ils croient . . ."
16. Cf. Du Moulin, *Autobiographie*, p. 178:— "Ce gentilhomme, combien qu'il fust papiste, comme il est paru depuis, ne laissoit pas de m'aimer et me vouloir du bien . . ." This statement cannot be used as evidence that Constable was a Catholic when Du Moulin knew him.
17. Information of Robert Bainbridge, servant of the Earl of Shrewsbury, 25 January 1592, cited in G. Wickes, "Henry Constable, Poet and Courtier," *Biographical Studies*, vol. 2 (1954), p. 276. Hatton died in December 1591.
18. Cf. John Chamberlain, in *English Historical Review*, vol. 62 (1947), p. 531 & n.
19. Cf. *Hatfield Calendar*, vol. iv, p. 394 ; Wickes, *art. cit.*, p. 276f.
20. Grundy, *op. cit.*, p. 55f.
21. *Loc. cit.*, n. 18.

YORKSHIRE NOTES

By HUGH AVELING, O.S.B.

I.

ST. THOMAS MORE'S FAMILY CIRCLE AND YORKSHIRE

The following discoveries in MS sources in Yorkshire cast a little light on the More family circle and their connections.

(a) *Thomas Paynell*

This priest is well known as the author of the 'Index' to William Rastell's 1557 edition of St. Thomas More's English Works.¹ He was an ex-canon regular of Merton in Surrey, and later rector of All Hallows, Honey Lane, London and of Cottingham near Hull. If we are to judge from Anthony Wood's account of him, he was an admirer of Erasmus and a prolific author.² On November 20th 1563 he appeared before the York Court of High Commission, ostensibly on a charge of Catholic teaching on the Sacraments at his cure in Cottingham. He was temporarily removed from his cure and ordered to confine himself to residence in the city of York. This confinement was renewed by the Court on March 8th 1563/4.³ Paynell had made a will in London on March 10th 1559/60. It is an openly Catholic document, and he leaves his library to Sir Thomas White's 'new college at Oxford'—presumably St. John's, then a centre of Catholicism. The will was proved in London on March 22nd 1563/4, a fortnight after his last appearance before the York High Commission.⁴

(b) *The Creswell family*

The Creswells were a family of minor gentry, of Nunkeeling and Dunnington in North Holderness, East Riding. They had a quite solid record of Catholic recusancy from c.1580 to their extinction by natural causes in about 1660.⁵ The first of the family to settle in the district was Percival Creswell, apparently a Northumbrian, and a servant of Sir Richard

YORKSHIRE NOTES

Gresham, the London mercer, financier and speculator in monastic lands. From Sir Richard, Creswell obtained an annuity and a gold ring, and, from either him or his son, Sir Thomas Gresham, the tenancy of one of Sir Richard's lesser monastic properties, Nunkeeling Priory. Later Creswell served Mr. Anthony Hussey and William Rastell, Sergeant at Law, St. Thomas More's nephew. Pedigrees differ over Creswell's wife (or wives), but it seems more likely that he was married twice, having three sons, George, Thomas and Richard by a first wife, Dorothy Hassall, and three other children, Benjamin, Arthur and Elizabeth by a second wife, Cassandra

Percival's will, made at Nunkeeling on October 24th 1558, was proved in London on the following February 16th. An identical will was proved at York on August 15th 1568. He left his house property in London—leases of houses in Fleet Street and the Strand—to his wife, Cassandra, his executrix. William Rastell was made supervisor and left 'my ring of gold with the great ruby.'⁶ Percival's eldest son and heir, George Creswell, was involved in a Chancery suit for possession of Nunkeeling in 1561/2 by the Greshams, and the outcome seems to have been that he and his descendants acquired part ownership of the property.⁷ George was a non-communicant in 1573, a recusant in gaol in 1580. He later seems to have conformed, but his wives and children were mostly recusants and married recusants. His will, proved March 24th 1592/3, contains no mention of his half-brothers, Benjamin and Arthur Creswell, and his half-sister, Elizabeth Creswell.⁸

In fact his step-mother, Cassandra Creswell, remarried to William Lacy of Beverley. On October 13th 1572 the York High Commission noted the non-appearance in court of 'Willm Lacy de Beverley et Cassandram Lacy eius uxorem ac Benjamin, Arthur' et Elizabetham Creswell liberos dicte Cassandre.' Warrants were issued for their arrest, but the present court Act Books contain no evidence that they were ever caught.⁹ After Cassandra's death, William Lacey was ordained priest in Rome and martyred at York in 1582. His two Creswell step-sons became Jesuits, and it is clearly Benjamin Creswell who was later so well known on the Continent as Fr. Joseph Creswell, S.J. We can also see, from this family history, why the *Liber Ruber* of the English College, Rome, should call

YORKSHIRE NOTES

Arthur Creswell 'Eboracensis,' while Ribadeneira says he was born in London. Both statements may well be true.¹⁰

(c) *Edward More*

St. Thomas More's son and heir, John More (1510-47) married Anne Cresacre, the heiress of Barnburgh in the West Riding. Their third son, Edward More, was born in November 1535 and buried at Barnburgh in 1620. He is reputed to have been the father of two Jesuits and a Benedictine nun. Yet he has remained a puzzle for historians. His nephew Cresacre More, wrote of him in his *Life of Sir Thomas More* (written sometime between 1615 and 1620)—

"... as for mine uncle Edward who is yet alive, although he were endowed with excellent gifts of nature as a ready wit, tongue at will, and his pen glib; yet God knows, he hath drowned all his talents in self-conceit in no worthy qualities, and besides burieth himself alive in obscurity, in forsaking God, and his mean and base behaviour . . ."

Edward More, gentleman, of Barnburgh promoted a case in the York High Commission court in December 1565 or early 1566 against Robert Salven, rector of Barnburgh. More accused the rector of non-residence, mumbling the services, living in adultery with Katherine, wife of his cousin, Edward Salven, and bodily violence committed on Edward More. The rector retaliated by a counter-suit. He brought into court an information against More by Edward Salven. In this More was accused of a long list of crimes—some of them seemingly arising out of a violent and bawdily expressed contempt for Anglican services, but the rest simply acts of immorality and violence. He was said to have lived 'in ye house and familie of Thomas More his brother' at Barnburgh for 'one yere, halfe yere or quarter of a yere laste paste.' He was present with his brother, Batholomew More, at Morning Prayer in the church on Sundays, but, during service, they laughed, talked, mocked, told bawdy jokes, threaded needles and threw the straw and rushes on the floor at each other in sport. When Morning Prayer was over (and the Ante-Communion?) and Holy Communion began, Edward More walked out of church and then practised with his horn or bow and arrows in the churchyard during the service.

YORKSHIRE NOTES

He often did not attend Evensong, but disturbed it from the churchyard in the same way. He had openly told his mother, Anne More, now remarried to George West, that he was angry with Edward Salven for having maintained that the Queen was Head of the Church.

Then came a series of charges hard to interpret. George West attended the church and sat in the family pew with his wife. On one occasion, Edward More, shooting in the churchyard as Evensong began, saw West crossing the yard to enter the church, blocked his way and threatened him with an arrow. West got into the church, where More pursued him, with bow bent, and caused a scene with West and the rector. On another occasion, Edward and Bartholomew bodily ejected West from the family pew. Once he openly made a scene in church and there called his mother a whore. Edward had also committed fornication—deliberately doing it in the church porch, and then frightening off her friends, and hunting the girl out of the parish with a pack of dogs.

In April 1566 More was committed to York Castle, but soon freed on bond. The Commissioners then sorted out truth from surmise, rebuked More for his misuse of a certain book he had (which he was to keep privately to himself, but not ‘use to the hurte of his owne sowle’), put him to public penance in Barnburgh church and—astonishingly—made him admit that the story of fornication by him was his own boastful invention. The rector was proved no adulterer, but fined for speaking contemptuously of the High Commission and rebuked for mumbling services. (Shortly afterwards the rector was summoned to the Archbishop’s Visitation Court for non-residence. He mostly denied the charge and said he was chaplain to the Earl of Derby.)¹¹

In 1570 the High Commission at York was again concerned with Edward. He and his brother, Thomas More, were fined 20s. each for infrequent communicating. Edward was again briefly sent to cool his heels in York Castle, this time for contempt of court. He was warned severely for taking a hand in ‘the infamous Libell & figure astronomicall . . . (or) prognostication’ shown up in court. He was said to be a great maker of rhymes and ballads and prophecies of an ‘infamous’ sort. Astonishingly, More promoted cases at the same time against one Hardwick

YORKSHIRE NOTES

of Barnburgh for non-communicating and against Robert Salven the rector for violence towards his parishioners and adultery.¹²

In December 1577 Edward More gent. appears as one of the sequestrators of the rectory of Barnburgh, in a York Chancery Court case.¹³ On August 27 1580 Edward More of Barnburgh arm. was accused by the High Commissioners of disobedience in religion. He professed all conformity and was put on bond to go to church, communicate and certify by October. Before then, on September 2nd he was up again before the court for 'certain wordes he was presented to have said against the State wch he denied,' and committed to York Castle.¹⁴ This time he was released on bond after five days. On October 3rd he produced a certificate that he had been to church and communicated at St. Mary's Castlegate, York. His case was put off. On November 14th he appeared and the 'words against the State' were revealed to be an attack on the Book of Common Prayer and Latimer's *Sermons*. He was ordered to do penance in Barnburgh church.¹⁵ The same day, in the same court, More promoted a case against one Leonard Resesby for contristating the godly of the neighbourhood by jilting his betrothed. With this went another case by More against a curate of Barnburgh. The court made them shake hands and dismissed them both.¹⁶

On January 9th 1580/1 Edward More, as one of the churchwardens of Barnburgh, made a special presentment to the High Commission of the parish's recusants—Mr. Thomas More and his wife Mary, Henry and Cresacre his sons, Mary, Katherine, Grace and Jane his daughters, with three servants.¹⁷ After this Edward More seems to vanish from all the York ecclesiastical court books.

NOTES

1. *The English Works of Sir Thomas More* ed Campbell & Reed. I/i-xii; DNB.
2. *Athenae Oxonienses* A. Wood. (ed. Bliss. 1813) i/337; see STC under *Paynell, Thos.*
3. Borthwick Institute, York. *H.C. Act Bk 1561-4* ff. 90, 91v., 98.

YORKSHIRE NOTES

4. *Surtees Soc.* 121/24-5 (P.C.C. Stevenson/7); Owen Oglethorpe, Bishop of Carlisle also made William Rastell a supervisor of his will, Nov. 1559. (*ibid.*/21)
5. Aveling. *Post-Ref. Catholicism in E. Yks.* passim.
6. *History & Antiquities of Holderness* G. Poulson (1840) i/262-3; 383-4; *Visitations of Yorks. 1584 & 1612.* ed. J. Foster; *P. C. C. Welles.* 39 transcribed indifferently in *Surtees Soc.* 121/8-9—'Sir Richard Tressham' there is a misreading of 'Gresham'—see the Yorks. will, Test. Ebor. 18/f.2 (Borthwick Inst., York); Leveson-Gower. *Genealogy of the Gresham Family* p. 72. Sir Richard Gresham's will—'to percyvall Cresswell for his annuytie there by yere v li.'
7. Poulson *op. cit.* pp. 383ff.
8. *Test. Ebor.* 25/f.1222; Aveling *op. cit.*
9. *Letters & Memorials of Cardinal Allen* ed. T. F. Knox p. 163, where Allen writes to Fr. Agazzari SJ Sept 17 1582 '. . . patrem Lasum . . senem . . qui habuerat ante in matrimonium Cresvelli vestri ac nostri matrem . . .'; Foley *Records SJ.* Collectanea i/181-2 on Joseph and Arthur Creswell SJ; *Yk High Commission Act Bk 1572-4 f.13* (Borthwick Inst., York).
10. *Cath. Record Soc.* 37/26.
11. Information on Edward More from Mgr. D. Shanahan; Borthwick Institute, York *Yk High Comm. Act Bk 1564-6* ff. 94, 98v., 108; *Act Bk. 1566-8* ff. 31, 102, 106v.; *Cause Papers. R. VII. G. 1290* (Edward Salven's Information); *ibid.* R./As. 20/54 consists of a large bundle of other papers of Edward More v. Robert Salven 1566-7, which I have not yet examined; *Visitation Court Bk R.VI.A/2* Oct 1 1567 on Robt Salven as chaplain to Lord Derby. It is unlikely that the book in Edward More's possession consisted of his grandfather, St. Thomas More's writings (though some of these latter were, a few years before, used by Robert Parkyn, incumbent of Ardwick-le-Street, not far from Barnburgh—see A. G. Dickens. *Lollards & Protestants in the diocese of York* passim). It was more likely to be an astrological work. In view of the later charges against More of spreading 'prognostications,' and the date—shortly before the 1569 rising—More must have been the writer of one of those politico-religious prophecies circulating in Yorkshire at that date and kept long afterwards. See *Yk High Comm. Act Bk 1568-9* ff.42v., 44, 44v. and *P.R.O. SP.15/28c.* a series of doggerel ballads and Catholic prophecies of the 1569 period, found in 1583.
12. *High Comm. Act Bk 1569-70* ff. 175, 176v., 178, 182v., 208v., 226-226v., 227, 227v., 228-229v.;

YORKSHIRE NOTES

13. *Yk Chancery Court Act Bk 1574-9 f.129.*
14. *High Comm. Act Bk 1580-5 ff.27v., 32.*
15. *ibid.* ff. 33v., 40v. (there does not seem to be any surviving record here that Edward appeared between Oct 3rd & Nov 14th), 63v., 64, 64v. *Hudson Papers* (Borthwick) *R H/5 f.1* (1580 presentments—there seems to be no record that Thomas More and family were actually summoned to the High Commission as a result of this presentment.)

II.

PREDECESSORS OF THE YORKSHIRE BRETHERN ?

At a General Assembly of the Yorkshire Brethren, held at the White Swan, Pavement, York, in April 1842, the Rev. Robert Hogarth was asked to draw up an account of the history of the society from its archives. His *Account* shows that benefactions began in 1660, and that in 1663, at a 'meeting of the gravest of our BBn. (who usually met at Mr. Barton of Whenby's anniversarie),' rules were drawn up and officers appointed. This first effort seems to have foundered, since the society proper was instituted at a meeting at Bootham Bar in York in August 1672, and the new rules then drawn up are headed by a statement that they constitute a new society—albeit taking over the Funds accumulated by their predecessor.¹ The preface to the Rules of 1672 also says—

"We have judged it altogether expedient in pursuance of former pre-
cidents to erect and constitute among us a common stock . . ."²

It seems certain that this sentence refers to earlier efforts to found a society for secular priests before 1660. The memoranda on old Funds recorded by Hogarth certainly reach back before 1660. Thus Mrs. Pudsey of Whenby, North Riding, in 1652-3 settled an annuity on two secular priests 'for the use of the Yorkshire true secular clergy.'³ But the context makes it very doubtful whether a formed society of secular priests then existed. It seems likely that the society of 1672 was a desperate effort to improve on the situation of the previous thirty years, when the state of the country was unsettled, when numbers of funds left for the

YORKSHIRE NOTES

support of secular clergy were insecurely distributed in the hands of individual priest-trustees at the mercy of their discretion, and when the clergy were divided.⁴

But had it always been like this before the Civil Wars? There exists an information to the York Court of High Commission, dated October 29th 1624. It accuses Sir Bertram Bulmer knt of being a Church-Papist and trustee of 'the Socyety of the Secular Popish Seminary Preistes.' This society some years ago ('within these one two three foure fyve six seaven yeares laste paste or before') received a substantial sum ('5, 4, 3 or 200 pounds or lands or goods to that valewe . . .') to the maintenance of superstitious uses, from a Popish gentlewoman not named. It is hinted that the treasurer of the society is one Richard Taylor, a priest, and other priest-members are Mr. Slater, Henry Holden and George Cathericke, though the informer is not sure that all these are now resident in England.⁵

There are still earlier clues. It seems that in 1596/7 John Mush and Bagshaw, the Appellant priests, were proposing a 'sodality' for secular priests, for which they had drawn up 'Articles.' The scheme certainly foreshadowed the later Brethren societies. It was intended to have local branches—one in London, one in Lancashire, and one in the north. Amongst the various copies of the 'Articles,' one, in the Cecil Papers at Hatfield, is endorsed—'a writing found in Mr. Swyftes house in Yorkshier.' Did this scheme certainly founder?⁶

NOTES

1. Hogarth MSS, Leeds Diocesan Archives.
2. *ibid.* Hogarth's *Account* p. 93.
3. *ibid.* *Extracts from Various Account Bks.* i/300-I.
4. *ibid.* Thus 'Ignatians'—priests trained in the English College, Rome—were suspected; opponents of the Chapter existed among the clergy and several of these would not join the society of 1672.
5. Borthwick Institute, York. *Cause Papers. R.VII. H/1612.*
6. Hatfield House. *Cecil Papers 139/61-3*; see Fr. Pollen on *The Archpriest Controversy* in the *Month*, June 1912; *CRS 51/206ff.* The northern sodality

YORKSHIRE NOTES

is mentioned in Sept. 1597 by Fr. Garnet SJ as 'clean dashed' (CRS 51/207ff.) There is a suggestion that the rules were drawn up originally in gaol at Hull—by Bagshaw in Camden Soc. *The Archpriest Controversy* ed. Law i/226ff. A letter from Fr. Richard Holtby SJ of June 1601 to a lady (? Lady Babthorpe at Osgodby, where both Holtby and Mush had served as chaplains) says that her friend Mush was 'the principall deviser in the North cuntries' of the sodality—*ibid.* i/176ff.

III.

A SECRET CATHOLIC PRINTING PRESS AT RIPON 1614

In July 1614 the York High Commission issued a warrant to bring before them William Reyner and John Leminge, then in Ripon gaol, charged with printing Papist literature. With them were to be brought their printing press and tools and Papist books and 'cartulae' found in their possession at Ripon or elsewhere. On July 29th they appeared at Bishopthorpe Palace before Toby Mathew, Archbishop of York, the Bishop of Bristol, Sir Thomas Posthumous Hoby, Sir John Jackson, William Ellis Esq., all of the King's Council in the North Parts, and William Ingram LL.D., Phineas Hodson S.T.P. and four others, of the York Ecclesiastical Commissioners.

The prisoners were brought in by Mr. Johnson of Ripon and the exhibits laid out. The examinations of the prisoners, made at Ripon before the Mayor and Sir Edward Yorke were read. (These are not given.) After consultation, the Commissioner proffered the Oath of Supremacy to the prisoners. They absolutely refused it and were committed forthwith to York Castle by a brief of *Mittimus* from Sir Edward Yorke J.P. of the North Riding with the consent of the Commissioners. No further trace of proceedings against them occurs in the High Commission records.¹

NOTES

1. Yk. High. Comm. Bk. 1612-25, f.27v.

